

In the Court of Appeals of the State of Alaska

Donald Hotch,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-13703**

Order

Motion to Extend Time to File Brief

Date of Order: **August 26, 2020**

Trial Court Case No. **1HA-17-00009CR**

The Public Defender Agency, representing Donald Scott Hotch, recently requested an extension of time to file the Appellant's opening brief. The agency's requested extension fell within the time limits set out in this Court's Standing Order 12. The Office of Criminal Appeals has filed a notice that the victim's family opposes the appellant's motion for an extension.

This Court recognizes that lengthy legal proceedings may cause all parties to the litigation frustration and even anger. This Court, too, would like to have this appeal proceed more quickly. But unfortunately, this case is not unique.

The underlying problem is that there are too many criminal appeals compared to the number of lawyers available to brief those appeals. While it may be tempting to order the Office of Criminal Appeals to speed up its briefing in this case, this would create a cascading delay of the briefing in all the other criminal appeals currently being handled by that agency. There are only so many attorneys who are both (1) available and (2) competent to write a criminal appeal. And there are literally hundreds of cases that are in the same position as this one.

This Court has been aware of the briefing delay problem for some time — and, in January 2014, the Court issued a new set of limitations on briefing extensions.

Donald S. Hotch v. State of Alaska
Court of Appeals No. A-13703
Order August 26, 2020
Page 2

Under these new limitations, the maximum permitted extensions for all briefs (both the briefs filed by the defense agencies and the briefs filed by the State's criminal appeals division) are gradually being reduced, with the goal of limiting the maximum total extensions for both the Appellant and the Appellee. (Currently, the maximum extension for the Appellant is 390 days.)

After these limits on briefing extensions are fully implemented, most criminal appeals will be decided within two years from the time they are filed. The Court wishes it could impose these limits right away — but, as a practical matter, that is not possible.

For these reasons, the Public Defender Agency's requested extension of time to file the Appellant's brief is **GRANTED**.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts



Beth A. Pechota, Deputy Clerk

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